

To: Clerk of Court, U.S. District Court -- SDNY  
500 Pearl Street  
New York, NY 10007

From: Brandon Green Reg. No. 56400-054

Date: April 8, 2021

Re: Case No. 16 Cr. 281

LETTER TO MEMORIALIZE CONVERSATION HELD WITH STANDBY COUNSEL

Attached is a letter that I sent to stand by counsel, Steven Witzel. I am sending to the Courts to memorialize the issues I raised with him.

Respectfully,

Brandon Green 56400054  
MDC Brooklyn  
P.O. Box 329002  
Brooklyn, NY 11232

May 20, 2021

Mr. Witzel:

Good evening. I am troubled to see that you have filed a letter after our conference call about, inter alia, documents you have provided me. But, as you should recall in our yesterday's conversations, I made it very clear to you that this was not a one way street, and, if you were going to state ALL of the information that you sent me, you should state ALL of the things you did not send me, and/or you should have addressed the fact that you have NEVER once come to visit me here at MDC Brooklyn, and, because of that, I have not had the right to view my 3500 materials! That was the entire purpose of having ALL of my prior counsels removed from my case, since I DID NOT AND STILL HAVE NOT HAD THE RIGHT TO REVIEW MY 3500 MATERIALS.

I do not agree to anything that you submitted in your yesterday's letters, as you are trying to shade the truth and confuse the central issue and the true facts of the matter, which is; I still have not reviewed all of my 3500 material either pre or post-trial. Here is a list below of the things you left out of your letter and/or failed to address per my request;

1. I requested that you ask for a postponement in sentencing until I review all of my 3500 material in this case;
2. I requested that you ask for a postponement of sentencing until I receive and review the July 10th, 2020 alleged evidence;
3. I requested that you ask for a postponement of my sentencing until I review the co-operating witness Manuel Rosario recent BOP institutional report for drug possession;
4. I requested that you ask for a postponement of my sentencing until the Judge rules on my recusal motion, reconsideration motion, and bail motion;
5. I requested that you send me three (3) subpoena forms signed and stamped by the Court Clerk in regard to: (i) the July 2020 incident (ii) CW Rosario's recent drug possession and (iii) the 2014 and 2016 Grand Jury minutes;

6. I object to any and ALL ex parte communications you may have had or plan to have with the Government and the Court without including me;

7. I want to clarify your May 21, 2021 letters to Judge Gardephe. In particular, before you filed the letter(s), I had a conference call with you on May 20, 2020, in which you stated that you knew that one of my family members had hand-delivered the "NoI", Notice of Intent, to the Court on May 19th 2021, along with the other two other documents that were put onto the Docket (#990 and #991). So it is misleading and possibly misinforming the Court to state that it was possible the Clerk has not yet received the Notice of Intent given the date, when you were aware the documents were all hand-delivered at the same time (note the dates on these documents only reflect when they were written by me, not mailed out or delivered);

8. In addition, on the May 21, 2021 letter, or at any other time, I did not discuss or agree with you to wait to see if the Clerk would receive and file the Notice of Intent letter. Instead, we discussed the fact that the Court did receive the Notice of Intent, and we should give Gardephe a few hours to read and file, and/or you would possibly file it the next day. However I declined your suggestion to do this, and in fact I sent you an email, prior to our conference call, confirming that I wanted the Notice Of Intent filed along with the 2 other letters that was emailed to you, since we both knew that my family hand delivered it with the other docketed documents (#990 and #991);

9. I also requested that you send a letter to the Court in regards to Judge Gardephe denying my request for self-representation after the Judge stated on the November 2020 teleconference that I had this right; He manipulated me to allow the appointed of stand-by counsel (you), after he misinformed me and reassured me about having a right to still defending myself if I choose to go that route, none of the things Judge Gardephe told me was accurate and/or did he honor; I do not agree with this at all; You even made it clear to me when I raised the right to self-representation that Judge Gardephe was supposed to hold a hearing in this matter; NOW I AM REQUESTING YOU ALSO INCLUDE IN THIS LETTER THAT I SHOULD HAVE BEEN GRANTED A HEARING/FARRETTA WHEN I RAISED THE RIGHT TO SELF-REPRESENTATION;

10. Other than that letter, I do not want you to file any motions on my behalf, as I have told you repeatedly (over the phone and via email); I am also informing you once again at this (illegal) sentencing date, that I do not agree with any of this until ALL of my motions are decided, especially my Motion to Recuse Judge Gardephe, I DO NOT WANT YOU OR ANY OF YOUR ASSOCIATES TO SPEAK ON MY BEHALF WHATSOEVER, ALL QUESTIONS AND ISSUES FROM THE DISTRICT COURT JUDGE CONCERNING ME AND MY CASE SHOULD BE ONLY DIRECTED TOWARDS ME;

11. Reading the two letters you have sent to the Judge yesterday (May 20, 2021), it has become clear to me that you have aided and abetted Judge Gardephe and the Government to further violate my rights. If

you are not part of the solution, then you are part of the problem, and you have an ethical responsibility to report these violations of my Constitutional rights to inter alios, the Attorney General of the United States;

12. The corruption in this case is so glaring that when the house of cards come falling down, everyone that was involved in inter alia, covering up, altering, and withholding Government documents will be held accountable;

13. I want to clarify the issues that you raised in the letter ORDERED by the Judge, to the fact that that alleged USB-flash sent to Ms. Dolan from Mr. Breslin and Ms. Geller was supposed to contain their "client files" but Ms. Dolan NEVER was able to open them! So, with that said, Attorney Ms. Dolan never provided me any of these materials and her February 26, 2020 letter proves this. Additionally her letter sent to Mr. Witzel on or about December 2020 further supports my contentions that she never had my case files; Ms. Dolan stated that the USB flash drive sent to her by trial counsels Mr. Breslin and Ms. Geller "client files" was corrupted and contained no readable data. She could not have known of, or raised, any meritorious claims in the Rule 29/33 motion when she was not even able to read any of my case files;

14. In your most recent letters, you stated that you provided me the \*marked\* maps of the Honeywell complex. However, the maps you provided were not \*marked\*, and so were not the same executed maps that the prosecutors had introduced at trial and had shown to Officer Sisco. At trial Officer Sisco had drawn a circle and put a dot around the Honeywell complex, to indicate it was the August 3rd arrest location. I was not provided with this \*marked\*, executed evidence. You stated yourself that the 2nd circuit will be troubled by these executed maps not being properly preserved;

15. I requested that you submit a letter to request the unredacted Grand Jury minutes, in particular, the 2014 Grand Jury minutes, which the Grand Jury voted a no bill. In addition, I would like to request the unredacted 2016 Grand Jury minutes; We now know the "Investigator", Stefano ("Steve") Barcanni, committed perjury in all the Grand Jury proceedings. Further, he testified on behalf of witnesses who were already in federal custody, and so were available to give testimony themselves;

16. What did "Investigator Stefano Barcanni" testify too, at the attempted indictment 2014 Grand Jury proceedings? Compared to what S.A. Barcanni testified to at the 2016 Grand Jury proceedings; What in S.A. Barcanni's testimony changed, to get the indictment in 2016? Oppose to the failed indictment attempt by him in 2014?? For all of these reasons stated herein and/or every other reason I raised about this case, I am requesting subpoena's forms from the Court of Clerk to un-redact such tainted Grand Jury testimony/hearings;

17. Since we now know the Government suborned the perjured testimony of Officer Sisco, in addition to Officer Sisco actually committing perjury himself, where are the impeachment materials from the 2014 failed indictment, which would likely also have the perjured testimony of Officer Sisco and/or Investigator Barcanni, who testified at the Grand Jury for all of these witnesses; What did investigator Barcanni testify to at the Grand Jury in regards of the 8/3/2010 Sisco arrest location?;

18. I also request the unredacted Grand Jury minutes, since it is clear to us now that Investigator Barcanni committed perjury at these Grand Jury proceedings, in particular, the fabricated murder-for-hire plot against David Cherry, which I was acquitted of;

19. Again, I specifically request the unredacted 2014 and 2016 Grand Jury minutes, since, we now KNOW that CW Michael Adams also gave perjured testimony in regards to the fabricated murder-for-hire plot, and the Government is held responsible for inducing such "suborned perjured testimony" from him, to FRAME ME!;

20. I requested numerous times from you a copy of this 2014 attempted failed indictment;

21. Also I requested the initial 2016 indictment (S1) that Mr. Johnson was indicted alone on RICO charges;

22. Regarding the January 5, 2021 teleconference you stated the District Judge gave me an extension to fill out the attorney client waiver form, but this is very misleading and misinforming. To be totally clear, how could he give me an extension on filing something I NEVER had, as I informed Judge Gardephe in my December 9, 2020 letter that I was still without this waiver form?; You stated at the 1/5/21 teleconference TO THE COURTS that YOU HAVE NOT SEEN IT EITHER;

23. I am requesting that you include in this amended letter that Mr. Green did in fact mail his attorney-client waiver form out on time (MDC legal logbook would support this);

24. This sentence in your letter is incorrect: "Mr. Breslin's letter informed the Court that he was viewing his firm's correspondence with Mr. Green and would be producing that correspondence after his review"; It was delivered to MDC ON 2/26/21;

25. Correctly said, Mr. Breslin's letter stated: "That his firm was viewing Breslin's and Geller's correspondence with Mr. Green and would be producing that correspondence after his firm's (The Law Firm of Duane Morris) review;

26. It should also be documented that the law firm of Duane Morris DID NOT turn over to me ALL of these correspondences between Mr. Green and trial Attorney's Eric R. Breslin and Melissa S. Geller;

27. This lack of disclosure is supported by the evidence in my possession, including numerous emails that Mr. Breslin has NEVER turned over to me. Moreover, I HAVE SENT NUMEROUS TEXT MESSAGES/EMAILS AS EXHIBITS TO THIS COURT between myself and both trial counsels that were not included in this abundance of emails/correspondence sent to me by stand-by counsel Mr. Witzel. In addition, MOST OF THESE EMAILS/TEXT MESSAGES THAT MR. WITZEL SENT TO ME WERE DUPLICATES OF THE SAME CORRESPONDENCE, artificially inflating the volume to make it appear more substantial than it was;

28. Moreover, you stated on March 18, 2021 that you had sent a hard copy of "a lab report relating to Mr. Green's 2010 arrest that the Government had produced in discovery". However, as the Court has an exhibit, Susan Walsh's 2017 letter sent to me stated the Government sent my discovery to the \*wrong\* jail. So, to be clear, I have never received this "a lab report" or related discovery/information \*prior to trial\*. And please clarify: is this "a lab report" you sent me (i) from the first set of testing done to the drugs allegedly seized on August 3 2010, or is it (ii) the Government's late disclosure of a new alleged lab report or testing done in or around 2018;

The WORLD is awoken to the systematic racism, unjust and corrupted "so called" system of justice especially in the SDNY. Other Judges in SDNY have clearly spoken out against the unethical and corrupt practices of the Government in SDNY (see Judge Allison J. Nathan recent order excoriating the SDNY's leadership for repeated Brady, Giglio, and 4th Amendment violations, in addition to misleading the Court, and ordering the entire SDNY to read her order highlighting these violations, as well as referring these violations to the Office of Professional Responsibility for investigation). All of these above violations have also occurred in my case. And if you recall, one of our first questions I asked you was, if I could show you proof that my rights were severely violated, would you report it to the Attorney General. Your answer was clear - YES. But now it is clear that your answer was untrue. I have shown you the proof, and you have turned a blind eye to these violations.

Best Regards,

Brandon Green

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